

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 08-13150

Honorable Sean F. Cox

Anthony D. Rippy,

Defendant.

ORDER DENYING

REQUEST FOR HEARING ABOUT “ANSWER FILED BY GARNISHEE”

Plaintiff United States of America (“the Government”) filed this action on July 22, 2008, seeking a judgment against Defendant Anthony D. Rippy (“Defendant”) for an unpaid student loan. The Government obtained a judgment in this action on June 8, 2009.

The Government obtained a writ of continuing garnishment on September 17, 2009, that was to be directed to, and served on, Advanced Accessory Systems, LLC. (Docket Entry No. 23).

On October 23, 2009 – before any Answer had been filed by Garnishee Advanced Accessory Systems, LLC – Defendant filed “Defendant’s Request for Hearing about the Answer filed by the Garnishee” (Docket Entry No. 24), wherein Defendant states “I am unemployed and have no assets over \$100.00.”

The Government filed a Response to Defendant’s Request for Hearing (Docket Entry No. 25), wherein it states that it is the Government’s understanding that the Garnishee, Advanced Accessory Systems, LLC, has filed bankruptcy and is now defunct. The Government contends that as Defendant is not employed by the Garnishee, and the Garnishee is no longer an operating

entity, no funds are at issue and Defendant's objections to the Writ of Continuing Garnishment are moot.

The Court agrees that a hearing is not required. Section 3205(c)(5) governs objections to answers to writs of garnishment and provides:

(5) Objections to answer – Within 20 days *after receipt of the answer*, the judgment debtor or the United States may file a written objection to the answer and request a hearing. The party objecting shall state the grounds for the objection and bear the burden of proving such grounds. A copy of the objection and request for a hearing shall be served on the garnishee and all other parties. The court shall hold a hearing within 10 days after the date the request is received by the court, or as soon thereafter as is practicable, and give notice of the hearing date to all the parties.

28 U.S.C. § 3205(c)(5) (emphasis added).

Here, the Garnishee has not yet filed an answer to the writ of garnishment directed to it. Moreover, because it appears that the Garnishee is now defunct, the Government does not anticipate receiving an Answer from the Garnishee. Accordingly, the Court agrees that a hearing on Defendant's "Objections to the Answer Filed by the Garnishee" is not required.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: November 17, 2009

I hereby certify that on November 17, 2009, a copy of the foregoing document was served upon counsel of record by electronic means and by First Class Mail upon:

Anthony D. Rippy
1410 Washington Blvd., Apt #803
Detroit, MI 48226

s/J. Hernandez
Case Manager